



June 18, 2018

Hon. Vince Ryan  
Harris County Attorney  
1019 Congress  
Houston, Texas 77002

Dear Mr. Ryan,

Public defense plays a vital role in our criminal justice system. Public defenders implement the constitutional guarantee of the right to counsel. They are a vital check on other parts of the criminal justice system, ensuring compliance by law enforcement with the Fourth Amendment through motions to suppress, enforcing bail laws by attacking unconstitutional detentions, attacking fines and fees imposed on poor persons when indigency is not considered, providing oversight of conditions of confinement for juveniles and adults, and the like. Without public defense, many law enforcement entities could act with impunity and with little oversight.

However, for public defenders to fulfill this important role, they must be independent from the political pressures of government for them to fall in line. They cannot fulfill this role if the governmental entity that controls the purse strings of the public defender also controls the activities of the public defender. This independence is so important that the American Bar Association established as its first principle that the “public defense function, including the selection, funding, and payment of defense counsel, is independent.” *ABA Ten Principles of a Public Defense Delivery System* (2002).

Principle #2 of the Foundational Principles of the National Association for Public Defense (NAPD) is that “public defense must be independent of judicial and political control.” This principle emphasizes that the “policy-making function, choice of the chief public defender, and oversight of defense programs should be vested in a commission or board of trustees selected by diverse authorities...”

The National Association for Public Defense is a national organization of public defense professionals. We have over 17,000 members, including 120 organizational members. Our mission is to provide a voice to advocate for those who cannot afford a lawyer and to provide support, training, and resources to federal, state, county and local public defense and assigned counsel providers. We are particularly interested in ensuring that public defense organizations have systems that operate in such a way that will maximize the provision of high quality representation. NAPD is vitally committed to ensuring that governmental authorities do not encroach on or compromise the independence of the public defense function.

It is because of this commitment that we write to express our deep concern regarding recent actions taken against Hon. Alex Bunin, the Harris County Public Defender. NAPD is concerned specifically about criticism of Mr. Bunin regarding his

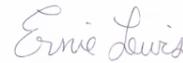
advocacy for juveniles and adults who were being denied bail due to their poverty. One County Commissioner raised the question of whether Mr. Bunin undermined the county position in a lawsuit filed by a third party attacking as unconstitutional the cash bail system in Harris County. That Commission raised the specter of the firing of Mr. Bunin. It should be noted that at the present time, the lawsuit has been decided against the county by a federal district judge and affirmed by the 5<sup>th</sup> U.S Circuit Court of Appeals. It is not surprising in the least that an action of a public defender is or may be contrary to a lawsuit against a county or state. Generally, the state or local authority is the entity that prosecutes the clients of a public defender. An independent public defender must be able to advocate for his or her clients independent of the county or state organization that funds the public defense function.

We have reviewed a letter prepared by Mr. Bunin in which he correctly states the duty of a public defender to represent clients rather than his or her governmental employer. We believe his letter strongly supports the legitimacy and propriety of the actions Mr. Bunin and his office have taken in this regard.

Sincerely,



Paul DeWolfe  
Chair of NAPD Steering Committee



Ernie Lewis  
NAPD Executive Director

**ON BEHALF OF THE NAPD STEERING COMMITTEE**

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